

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 98-12499-RWZ

HUNG TAN VO

v.

MICHAEL T. MALONEY

MEMORANDUM AND ORDER

May 11, 2006

ZOBEL, D.J.

Hung Tan Vo filed a petition for a writ of habeas corpus on December 7, 1998.

On December 10, 1999, a Magistrate Judge filed his report and recommended dismissal of the petition. Over petitioner's objections, the court accepted the recommendations and entered judgment dismissing the petition in September 2000. Petitioner appealed, this court issued a certificate of appealability, the Court of Appeals affirmed, and mandate issued on October 23, 2001.

On March 9, 2006, more than four years later, petitioner, under his new name, Larry Dale Wampler, filed a motion for relief from judgment. The motion was denied on April 5, 2006, and petitioner has filed a notice of appeal together with an application for a certificate of appealability.

Because the issues raised in the motion for relief from judgment have been fully litigated in this court and previously reviewed in the Court of Appeals, the application for a certificate of appealability is denied.

DATE

/s/ Rya W. Zobel
RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE